

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al,)
)
 Plaintiffs,)
)
 v.)
)
 TYSON FOODS, INC., et al,)
)
 Defendants.)

Case No. 05-CV-329-GKF-SAJ

**CARGILL TURKEY PRODUCTION, LLC'S RESPONSE
TO STATE OF OKLAHOMA'S
MARCH 2, 2007 SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO CARGILL TURKEY PRODUCTION, LLC**

GENERAL OBJECTIONS

A. Definitions: Cargill Turkey Production, LLC objects to certain of the words and phrases used by Plaintiffs in its interrogatories and requests for production as overbroad and unduly burdensome. Such objection includes, but is not limited to, Plaintiffs' definition of "Cargill Turkey Production, LLC," "You" and "Your" to include "attorneys" and "insurance carriers." Whenever Plaintiffs use the phrases "Cargill Turkey Production, LLC," "You" or "Your," Cargill Turkey Production, LLC will interpret the phrases to refer only to the named defendant, Cargill Turkey Production, LLC, its employees, agents, and divisions. Cargill Turkey Production, LLC also objects to Plaintiffs' definition of "documents and materials" to the extent that Plaintiffs' definition is inconsistent with the definition of "documents" set forth in Rule 34(a) of the Federal Rules of Civil Procedure.

B. Privileges: Cargill Turkey Production, LLC objects to Plaintiffs' interrogatories and requests for production as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks to invade information or documents protected by the attorney-client, work product, self-evaluative, or joint defense privileges. Cargill Turkey Production, LLC specifically objects to the production of documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for Cargill Turkey Production, LLC with the defense of this litigation as subject to these privileges. Cargill Turkey Production, LLC will continue to provide privilege logs in accordance with LCvR 26.4 as necessary.

C. Scope; date range: Cargill Turkey Production, LLC objects to the absence of any reasonable limit to the date range in certain of these document requests as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Such objection includes but is not limited to the facts that, as currently phrased, Plaintiffs' document requests purport to seek information or documents prior to 2002, which Cargill Turkey Production, LLC understands to be the earliest time period allowed by the statutes of limitation applicable to Plaintiffs' claims.

D. Option to Produce Documents: Pursuant to Federal Rule of Civil Procedure 33(d), Cargill Turkey Production, LLC further objects to these interrogatories to the extent that they require Cargill Turkey Production, LLC to distill and summarize information contained in documents, the burden of which would be no greater to the Plaintiffs than it would be to Cargill Turkey Production, LLC. To the extent information can be fairly gleaned by the Plaintiffs through document production, Cargill Turkey Production, LLC may exercise the option to produce documents in lieu of responding otherwise to the interrogatory. Cargill Turkey Production, LLC further objects to these document requests to the extent that they purport to require Cargill Turkey Production, LLC to produce documents in any particular format. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, Cargill Turkey will use its discretion in producing responsive, non-privileged documents either (1) as they are kept in the usual course of business or (2) organized and labeled to correspond with the categories in these requests.

E. No waiver of objection or admissibility: In responding to these interrogatories and requests for documents, Cargill Turkey Production, LLC is asked for and supplies information regarding the existence and location of various documents or other information. In responding to this inquiry, Cargill Turkey Production, LLC is not waiving future objections to either production in discovery or admissibility at trial of any document or information supplied or referred to in discovery.

F. Continuing discovery: In responding to these interrogatories and requests for production, Cargill Turkey Production, LLC has supplied all information and documents known to it at this time after a reasonable inquiry. However, discovery is continuing. Should future discovery reveal any further information or documents as to the matters at issue herein, Cargill Turkey Production, LLC will supplement its answers as necessary in accordance with the Federal Rules of Civil Procedure.

Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific answers as if fully set forth therein, and subject thereto, Cargill Turkey Production, LLC further states and alleges as follows:

B. Interrogatories

Interrogatory No. 1: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in

Affirmative Defense 8 of your Answer [DKT #52]: “Plaintiffs [sic] [[sic]] lack standing to bring this action.”

ANSWER: Please see:

1. “Motion for Judgment as a Matter of Law by Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc., Willow Brook Foods, Inc.” [DKT #1076] and its accompanying memorandum, which identifies the factual basis for this defense as set forth in Plaintiffs’ Amended Complaint (e.g., only 576,030 acres of the IRW’s 1,09,530 acres are actually in Oklahoma (FAC ¶ 22)), and

2. Plaintiffs’ response to that motion, which admits Plaintiffs’ lack of standing as to a large portion of their claims (e.g., the admission that Plaintiffs have no property interest in groundwater not located beneath state-owned property).

Discovery is continuing with respect to this defense, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Interrogatory No. 2: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in Affirmative Defense 41 of your Answer [DKT #52]: “Cargill has neither the ability nor authority to control or affect the timing, manner, and location of the application of poultry litter.”

ANSWER: This interrogatory seeks information concerning the negative of a fact as to which Plaintiffs have the burden of proof. The language from Cargill Turkey Production, LLC’s answer quoted in Interrogatory No. 2 responded directly to Plaintiffs’ allegations that

Cargill Turkey Production, LLC “so dominates and controls the activities of its...poultry growers that the relationship is not one of independent contractor, but rather one of employer and employee or one of principal and agent.” Amended Complaint ¶ 43; *see generally id.* at ¶¶ 32-47.

Cargill Turkey Production, LLC refers Plaintiffs to the Cargill Turkey Production, LLC’s contracts with the independent-contractor growers who raise turkeys owned by Cargill Turkey Production, LLC, previously produced as documents CARTP003060-CARTP007981. Those contracts set forth the rights that Cargill Turkey Production, LLC has with respect to the turkeys during the time the independent-contractor growers have possession of the turkeys and, through necessary implication by omission, the rights that Cargill Turkey Production, LLC does not have with respect to those turkeys, including:

- (a) the lack of any ownership or title to the poultry litter in Cargill Turkey Production, LLC,
- (b) the lack of any right by Cargill Turkey Production, LLC to control the timing, manner, location, or any other aspect of the independent-contract grower’s use of poultry litter, and
- (c) the lack of any right by Cargill Turkey Production, LLC to obtain or share in any way in any profits an independent-contractor grower may obtain from the sale or use of the poultry litter.

Discovery is continuing with respect to this defense, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Interrogatory No. 3: Please set forth all facts, describe all evidence and identify

all documents that underlie or that you contend support the following assertion by you in Affirmative Defense 43 of your Answer [DKT #52]: “Cargill acted in compliance with all applicable laws, regulations, permits, and industry standards at all applicable times.”

ANSWER: This interrogatory seeks information concerning the negative of a fact as to which Plaintiffs have the burden of proof. The language from Cargill Turkey Production, LLC’s answer quoted in Interrogatory No. 3 responded directly to Plaintiffs’ allegations that Cargill Turkey Production, LLC has violated various state and federal statutes and regulations. *See, e.g.*, Amended Complaint at ¶¶ 103-104, 128-132, 133-136, 137-139.

Cargill Turkey Production, LLC knows of no facts that suggest that Cargill Turkey Production, LLC has violated any applicable laws, regulations, permits, or industry standards in connection with any of the turkey-growing operations it operates in the IRW, and is aware of no documentation of any such violations produced by Plaintiffs, despite requests for such documentation. In addition, Cargill Turkey Production, LLC refers Plaintiffs to the Cargill Turkey Production, LLC’s contracts with the independent-contractor growers in the IRW who raise turkeys owned by Cargill Turkey Production, LLC, previously produced as documents CARTP003060-CARTP007981. In those contracts, the independent growers expressly agree to comply with all applicable state, local, and federal laws and requirements. *See, e.g.*, document CARTP003228-003244, ¶¶ 13, 23.

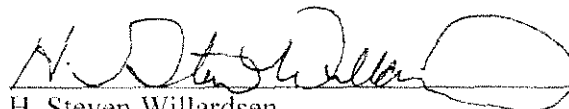
Discovery is continuing with respect to this defense, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

CORPORATE VERIFICATION


H. Steven Willardsen, President, Cargill Turkey Production, LLC, states that he is an authorized signatory of Defendant Cargill Turkey Production, LLC, in the above-titled action; that he signs the foregoing Answers to State Of Oklahoma's March 2, 2007 Set of Interrogatories for and on behalf of Defendant and is duly authorized to do so; that certain of the matters stated in the foregoing Answers to State Of Oklahoma's March 2, 2007 Set of Interrogatories are not within his personal knowledge; that he is informed that there is no Officer or Managing Agent of Defendant who has personal knowledge of all such matters; that the facts stated in said Answers have been assembled by authorized employees and counsel of Defendant; and that he is informed that the facts stated in the foregoing Answers are true and correct.

Dated: April 17, 2007

Cargill Turkey Production, LLC


H. Steven Willardsen
President, Cargill Turkey Production, LLC

Subscribed and sworn to before me
this 17 day of April, 2007.


Notary Public

RONALYN S. KLOTZ
STATE OF KANSAS
NOTARY PUBLIC
MY APPOINTMENT EXPIRES:
April 22, 2008

AS TO OBJECTIONS

April 17, 2007

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: _____

JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And

DELMAR R. EHRLICH
BRUCE JONES
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600

ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC

C. Requests

Request for Production No. 1: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 8 of your Answer [DKT #52]: “Plaintiffs [sic] [[sic]] lack standing to bring this action.”

RESPONSE: Please see pleadings and motion documents identified in response to Interrogatory 1 above, which either were created by or have already been served on Plaintiffs’ attorneys.

Request for Production No. 2: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 39 of your Answer [DKT #52]: “Some or all of Plaintiffs [sic] [[sic]] are not the real parties in interest as to some or all of the claims and damages alleged in the Complaint.”

RESPONSE: Please see:

1. Pleadings and motion documents identified in response to Interrogatory 1 above;
2. Tyson Poultry, Inc.'s Motion to Dismiss Count 3 of Plaintiff’s First Amended Complaint and Integrated Opening Brief in Support (10/03/05) [DKT #64]; and
3. Cobb-Vantress, Inc.'s Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay the Action and Integrated Opening Brief in Support (10/3/05) [DKT #67].

All of these documents either were created by or have already been served on Plaintiffs’ attorneys.

Request for Production No. 3: Please produce copies of all documents and

materials that underlie or that you contend support the following assertion by you in Affirmative Defense 41 of your Answer [DKT #52]: “Cargill has neither the ability nor authority to control or affect the timing, manner, and location of the application of poultry litter.”

RESPONSE: Please see documents identified in response to Interrogatory 2 above, which are already available to Plaintiffs. Discovery is continuing with respect to this defense, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 4: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 43 of your Answer [DKT #52]: “Cargill acted in compliance with all applicable laws, regulations, permits, and industry standards at all applicable times.”

RESPONSE: Please see documents identified in response to Interrogatory 3 above, which are already available to Plaintiffs. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 5: Please produce copies of all documents and materials reflecting, referring to or relating to the aggregate or total amount of poultry feed, by weight and volume, consumed at your growing operations or at poultry growing operations under contract with you which are located within the Illinois River Watershed for each year since 1952.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002 and seeks all documents “reflecting, referring

to or relating to” the subject matter of this request. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 6: Please produce copies of all MSDS sheets provided by you to poultry growers under contract with you who are located within the Illinois River Watershed for each year since 1952.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill Turkey Production, LLC states that it has been unable to locate any documents responsive to this request. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 7: Please produce copies of all documents and materials provided to growers at your poultry growing operations or at poultry growing operations under contract with you in the Illinois River Watershed since 1952 that reflect the amount of money earned by the grower for a flock or flocks and the basis for calculating that amount, including but not limited to Broiler Growers Payment Calculations, Broiler Settlement Analyses and Broiler Growers Payment Analyses or other reports similarly named.

RESPONSE: Cargill Turkey Production, LLC objects to this request as nonsensical to the extent that it seeks information relating to “Broilers” in the context of its turkey production activities. Assuming that Plaintiffs intended to request documents reflecting the amount of money earned by growers of turkey flocks, Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 8: Please produce copies of all documents and materials reporting on the conditions at your poultry growing operations or at poultry growing operations under contract with you in the Illinois River Watershed since 1952, including but not limited to Broiler House Management Reports, Broiler House Condition Reports, Broiler Field Representative Reports, Broiler Farm Condition Reports, Broiler House Pre-Check Lists, Broiler Weekly Management Reports, and Next Flock Recommendations and Requirements and Recommendations for Next Flock.

RESPONSE: Cargill Turkey Production, LLC objects to this request as nonsensical to the extent that it seeks information relating to “Broilers” in the context of its turkey production activities. Assuming Plaintiffs intended to request documents reflecting the growing conditions of its turkey flocks, Cargill Turkey Production, LLC objects to this request as overbroad,

burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill Turkey Production, LLC further objects to the use of the term “conditions” as vague and ambiguous. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 9: Please produce all documents and materials reflecting the location of, address of and driving directions to each of your poultry growing operations (including poultry growing operations under contract with you) in the Illinois River Watershed since 1952.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill Turkey Production, LLC further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill Turkey Production, LLC’s poultry growing operations “include” poultry growing operations under contract with Cargill Turkey Production, LLC, which they do not. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 10: Please produce all documents and materials reflecting the number of poultry houses / poultry barns at each location where you have or have had poultry growing operations (including poultry growing operations under contract with you) in the Illinois River Watershed since 1952.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill Turkey Production, LLC further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill Turkey Production, LLC's poultry growing operations "include" poultry growing operations under contract with Cargill Turkey Production, LLC, which they do not. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 11: Please produce all documents and materials reflecting the size and capacity of poultry houses / poultry barns at each location where you have or have had poultry growing operations (including poultry growing operations under contract with you) in the Illinois River Watershed since 1952.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill Turkey Production, LLC further

objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill Turkey Production, LLC's poultry growing operations "include" poultry growing operations under contract with Cargill Turkey Production, LLC, which they do not. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 12: Please produce all documents and materials reflecting, referring or relating to the hauling out of poultry waste / poultry litter / poultry manure from locations within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill Turkey Production, LLC objects to this request as duplicative of Request No. 55 in the State's July 10, 2006 Set of Document Requests and incorporates herein by reference its objections and response to that request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 13: Please produce all documents and materials reflecting, referring or relating to the hauling out of poultry waste / poultry litter / poultry manure generated at your poultry growing operations (including poultry growing operations under contract with you) located within the Illinois River Watershed to locations outside of the Illinois

River Watershed.

RESPONSE: Cargill Turkey Production, LLC objects to this request as duplicative of Request No. 56 in the State's July 10, 2006 Set of Document Requests as well as Request No. 12 above. Cargill incorporates herein by reference its objections and response to that request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 14: Please produce all documents and materials reflecting, referring or relating to grants (federal, state or private) pertaining to the hauling out of poultry waste / poultry litter / poultry manure from locations within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Request for Production No. 15: Please produce all documents and materials reflecting, referring or relating to grants (federal, state or private) pertaining to the hauling out of

poultry waste / poultry litter / poultry manure generated at your poultry growing operations (including poultry growing operations under contract with you) located within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill Turkey Production, LLC objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill Turkey Production, LLC further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill Turkey Production, LLC's poultry growing operations "include" poultry growing operations under contract with Cargill Turkey Production, LLC, which they do not. Subject to and without waiving these objections, Cargill Turkey Production, LLC has produced previously documents responsive to this request. Cargill Turkey Production, LLC will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill Turkey Production, LLC reserves the right to supplement this response as additional information becomes available.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: _____



JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And

DELMAR R. EHRLICH
BRUCE JONES
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600

ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC

CERTIFICATE OF SERVICE

I certify that on the 17th day of April, 2007, I electronically transmitted the attached document to the following:

W. A. Drew Edmondson, Attorney General	<u>drew_edmondson@oag.state.ok.us</u>
Kelly Hunter Burch, Assistant Attorney General	<u>kelly_burch@oag.state.ok.us</u>
J. Trevor Hammons, Assistant Attorney General	<u>trevor_hammons@oag.state.ok.us</u>
Robert D. Singletary	<u>Robert_singletary@oag.state.ok.us</u>

Douglas Allen Wilson	<u>doug_wilson@riggsabney.com</u>
Melvin David Riggs	<u>driggs@riggsabney.com</u>
Richard T. Garren	<u>rgarren@riggsabney.com</u>
Sharon K. Weaver	<u>sweaver@riggsabney.com</u>
Riggs Abney Neal Turpen Orbison & Lewis	

Robert Allen Nance	<u>rnance@riggsabney.com</u>
Dorothy Sharon Gentry	<u>sgentry@riggsabney.com</u>
Riggs Abney	

J. Randall Miller	<u>rmiller@mkblaw.net</u>
David P. Page	<u>dpage@mkblaw.net</u>
Louis W. Bullock	<u>lbullock@mkblaw.net</u>
Miller Keffer & Bullock	

William H. Narwold	<u>bnarwold@motleyrice.com</u>
Elizabeth C. Ward	<u>lward@motleyrice.com</u>
Frederick C. Baker	<u>fbaker@motleyrice.com</u>
Lee M. Heath	<u>lheath@motleyrice.com</u>
Elizabeth Claire Xidis	<u>exidis@motleyrice.com</u>
Motley Rice	
COUNSEL FOR PLAINTIFFS	

Stephen L. Jantzen	<u>sjantzen@ryanwhaley.com</u>
Patrick M. Ryan	<u>pryan@ryanwhaley.com</u>
Paula M. Buchwald	<u>pbuchwald@ryanwhaley.com</u>
Ryan, Whaley & Coldiron, P.C.	

Mark D. Hopson	<u>mhopson@sidley.com</u>
Jay Thomas Jorgensen	<u>jjorgensen@sidley.com</u>
Timothy K. Webster	<u>twebster@sidley.com</u>
Sidley Austin LLP	

Robert W. George	<u>robert.george@kutackrock.com</u>
Michael R. Bond	<u>michael.bond@kutackrock.com</u>
Erin W. Thompson	<u>erin.thompson@kutackrock.com</u> Kutack Rock

LLP
COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.;
AND COBB-VANTRESS, INC.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

jgriffin@lathropgage.com

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.
COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirm.com
rer@owenslawfirm.com

James M. Graves
Gary V. Weeks
Bassett Law Firm
COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

jgraves@bassettlawfirm.com

John R. Elrod
Vicki Bronson
Bruce W. Freeman
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com

A. Scott McDaniel
Nicole M. Longwell
Philip D. Hixon
McDaniel Law Firm
Sherry P. Bartley
Mitchell Williams Selig Gates & Woodyard
COUNSEL FOR PETERSON FARMS, INC.

smcdaniel@mcdaniel-lawfirm.com
nlongwell@mcdaniel-lawfirm.com
phixon@mcdaniel-lawfirm.com
sbartley@mwsgw.com

Michael D. Graves
Dale Kenyon Williams, Jr.

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR CERTAIN POULTRY GROWERS

Jo Nan Allen
COUNSEL FOR CITY OF WATTS

jonanallen@yahoo.com

Park Medearis
Medearis Law Firm, PLLC
COUNSEL FOR CITY OF TAHLEQUAH

medearislawfirm@sbcglobal.net

Todd Hembree
COUNSEL FOR TOWN OF WESTVILLE

hembreeawl@aol.com

Tim K. Baker
Maci Hamilton Jessie
Tim K. Baker & Associates
COUNSEL FOR GREENLEAF NURSERY CO., INC., WAR EAGLE FLOATS, INC., and
TAHLEQUAH LIVESTOCK AUCTION, INC.

tbakerlaw@sbcglobal.net
maci.tbaker@sbcglobal.net

Kenneth E. Wagner
Marcus N. Ratcliff
Laura E. Samuelson
Latham, Stall, Wagner, Steele & Lehman
COUNSEL FOR BARBARA KELLEY D/B/A DIAMOND HEAD RESORT

kwagner@lswsl.com
mratcliff@lswsl.com
lsamuelson@lswsl.com

Linda C. Martin
N. Lance Bryan
Doerner, Saunders, Daniel & Anderson, LLP
COUNSEL FOR SEQUOYAH FUELS, EAGLE NURSERY LLC & NORTHLAND FARMS

lmartin@dsda.com

Ron Wright
Wright, Stout, Fite & Wilburn
COUNSEL FOR AUSTIN L. BENNETT AND LESLIE A. BENNET, INDIVIDUALLY AND
D/B/A EAGLE BLUFF RESORT

ron@wsfw-ok.com

R. Jack Freeman
Tony M. Graham
William F. Smith
Graham & Freeman, PLLC
COUNSEL FOR "THE BERRY GROUP", CHERYL BEAMAN, PHILLIP BEAMAN,
FALCON FLOATS, BILL STEWART, INDIVIDUALLY AND D/B/A DUTCHMAN'S
CABINS and OTHER VARIOUS THIRD PARTY DEFENDANTS

jfreeman@grahamfreeman.com
tgraham@grahamfreeman.com
bsmith@grahamfreeman.com

Angela D. Cotner
COUNSEL FOR TUMBLING T BAR L.L.C. and BARTOW AND WANDA HIX

angelacotneresq@yahoo.com

Thomas J. McGeady

Ryan P. Langston
J. Stephen Neas steve_neas@yahoo.com
Bobby Jay Coffman bcoffman@loganlowry.com
Logan & Lowry, LLP
COUNSEL FOR LENA AND GARNER GARRISON; AND BRAZIL CREEK MINERALS,
INC.

Monte W. Strout strout@xtremeinet.net
COUNSEL FOR CLAIRE WELLS AND LOUISE SQUYRES

Lloyd E. Cole, Jr. colelaw@alltel.net
COUNSEL FOR ILLINOIS RIVER RANCH PROPERTY OWNERS ASSOCIATION; FLOYD
SIMMONS; RAY DEAN DOYLE AND DONNA DOYLE; JOHN STACY D/B/A BIG
JOHN'S EXTERMINATORS; AND BILLY D. HOWARD

Douglas L. Boyd dboyd31244@aol.com
COUNSEL FOR HOBY FERRELL and GREATER TULSA INVESTMENTS, LLC

Jennifer F. Sherrill jfs@federmanlaw.com
William B. Federman wfederman@aol.com
Charles Livingston Moulton Charles.Moulton@arkansasag.gov
COUNSEL FOR ARKANSAS NATURAL RESOURCES COMMISSION

John B. DesBarres mrijbdb@msn.com; johnd@wcalaw.com
COUNSEL FOR JERRY MEANS, DOROTHY ANN MEANS, BILLY SIMPSON,
INDIVIDUALLY, AND D/B/A SIMPSON DAIRY, BRIAN R. BERRY AND MARY C.
BARRY, INDIVIDUALLY, AND D/B/A TOWN BRANCH GUEST RANCH

Reuben Davis rdavis@boonesmith.com
Michael A. Pollard
Boone, Smith, Davis, Hurst & Dickman
COUNSEL FOR WAUHILLAU OUTING CLUB

A. Michelle Campney campneym@wwhwlaw.com
Walls Walker Harris & Wolfe
COUNSEL FOR KERMIT AND KATHERINE BROWN

Thomas Janer scmj@sbcglobal.net
COUNSEL FOR SUZANNE M. ZEIDERS

K. Clark Phipps cphipps@ahn-law.com
Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile
COUNSEL FOR WANDA DOTSON

Michael L. Carr mcarr@holdenokla.com
Michelle B. Skeens mskeens@holdenokla.com

Derek Lawrence dlawrence@holdenokla.com
Holden & Carr hc@holdenokla.com
COUNSEL FOR SNAKE CREEK MARINA, LLC

Carrie Griffith griffithlawoffice@yahoo.com
COUNSEL FOR RAYMOND AND SHANNON ANDERSON

Del Ehrich dehrich@faegre.com
Dara Mann dmann@faegre.com
Quynh Sperrazza qsperrazza@faegre.com
Jessica Intermill JIntermill@faegre.com

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following:

Jerry M. Maddux
Shelby Connor Maddux Janer
P.O. Box Z
Bartlesville, OK 74005-5025
COUNSEL FOR SUZANNE M. ZEIDERS

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.

James R. Lamb
Dorothy Gene Lamb
Strayhorn Landing
Rt. 1, Box 253
Gore, OK 74435
PRO SE

G. Craig Heffington
20144 W. Sixshooter Rd.
Cookson, OK 74427
ON BEHALF OF SIXSHOOTER RESORT
AND MARINA, INC.

James C. Geiger
Kenneth D. Spencer
Jane T. Spencer
Address unknown
PRO SE

Jim Bagby
Rt. 2, Box 1711
Westville, OK 74965
PRO SE

Robin Wofford
Rt. 2, Box 370
Watts, OK 74964
PRO SE

Gordon W. Clinton
Susann Clinton
23605 S. Goodnight Lane
Welling, OK 74471
PRO SE

Marjorie A. Garman
Riverside RV Resort and Campground LLC
5116 Hwy. 10
Tahlequah, OK 74464
PRO SE

Doris Mares
Cookson Country Store and Cabins
32054 S. Hwy 82
P. O. B ox 46
Cookson, OK 74424
PRO SE

Eugene Dill
32054 S. Hwy 82
P. O. Box 46
Cookson, OK 74424
PRO SE

John E. and Virginia W. Adair Family Trust
Route 2, Box 1160
Stilwell, OK 74960
PRO SE

Richard E. Parker
Donna S. Parker
Burnt Cabin Marina & Resort, LLC
34996 South 502 Road
Park Hill, OK 74451
PRO SE

William House
Cherrie House
PO Box 1097
Stilwell, OK 74960
PRO SE



**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-329-GKF-SAJ
)	
TYSON FOODS, INC., et al,)	
)	
Defendants.)	

**CARGILL INC.'S RESPONSE TO STATE OF OKLAHOMA'S
MARCH 2, 2007 SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO CARGILL, INC.**

GENERAL OBJECTIONS

A. Definitions: Cargill, Inc. objects to certain of the words and phrases used by Plaintiffs in their interrogatories and requests for production as overbroad and unduly burdensome. Such objection includes, but is not limited to, Plaintiffs' definition of "Cargill, Inc.," "You" and "Your" to include "attorneys" and "insurance carriers." Whenever Plaintiffs use the phrases "Cargill, Inc.," "You" or "Your," Cargill, Inc. will interpret the phrases to refer only to the named defendant, Cargill, Inc., its employees, agents, and divisions. Cargill, Inc. also objects to Plaintiffs' definition of "documents and materials" to the extent that Plaintiffs' definition is inconsistent with the definition of "documents" set forth in Rule 34(a) of the Federal Rules of Civil Procedure.

B. Privileges: Cargill, Inc. objects to Plaintiffs' interrogatories and requests for production as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks to invade information or documents protected by the attorney-client, work product, self-evaluative, or joint defense privileges. Cargill, Inc. specifically objects to the production of documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for Cargill, Inc. with the defense of this litigation as subject to these privileges. Cargill, Inc. will continue to provide privilege logs in accordance with LCVR 26.4 as necessary.

C. Scope; date: Cargill, Inc. objects to the absence of any reasonable limit to the date range in certain of these document requests as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Such objection includes but is not limited to the facts that, as currently phrased, Plaintiffs' document requests purport to

seek information or documents prior to 2002, which Cargill, Inc. understands to be the earliest time period allowed by the statutes of limitation applicable to Plaintiffs' claims.

D. Option to Produce Documents: Pursuant to Federal Rule of Civil Procedure 33(d), Cargill, Inc. further objects to these interrogatories to the extent that they require Cargill, Inc. to distill and summarize information contained in documents, the burden of which would be no greater to the Plaintiffs than it would be to Cargill, Inc. To the extent information can be fairly gleaned by the Plaintiffs through document production, Cargill, Inc. may exercise the option to produce documents in lieu of responding otherwise to the interrogatory. Cargill, Inc. further objects to these document requests to the extent that they purport to require Cargill, Inc. to produce documents in any particular format. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, Cargill, Inc. will use its discretion in producing responsive, non-privileged documents either (1) as they are kept in the usual course of business or (2) organized and labeled to correspond with the categories in these requests.

E. No waiver of objection or admissibility: In responding to these interrogatories and requests for documents, Cargill, Inc. is asked for and supplies information regarding the existence and location of various documents or other information. In responding to this inquiry, Cargill, Inc. is not waiving future objections to either production in discovery or admissibility at trial of any document or information supplied or referred to in discovery.

F. Continuing discovery: In responding to these interrogatories and requests for production, Cargill, Inc. has supplied all information and documents known to it at this time after a reasonable inquiry. However, discovery is continuing. Should future discovery reveal any further information or documents as to the matters at issue herein, Cargill, Inc. will supplement its answers as necessary in accordance with the Federal Rules of Civil Procedure.

Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific answers as if fully set forth therein, and subject thereto, Cargill, Inc. further states and alleges as follows:

B. Interrogatories

Interrogatory No. 1: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in Affirmative Defense 8 of your Answer [DKT #51]: "Plaintiffs [sic] [[sic]] lack standing to bring this action."

ANSWER: Please see:

1. "Motion for Judgment as a Matter of Law by Tyson Foods, Inc., Tyson Poultry,

Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc., Willow Brook Foods, Inc.” [DKT #1076] and its accompanying memorandum, which identifies the factual basis for this defense as set forth in Plaintiffs’ Amended Complaint (e.g., only 576,030 acres of the IRW’s 1,09,530 acres are actually in Oklahoma (FAC ¶ 22)), and

2. Plaintiffs’ response to that motion, which admits Plaintiffs’ lack of standing as to a large portion of their claims (e.g., the admission that Plaintiffs have no property interest in groundwater not located beneath state-owned property).

Discovery is continuing with respect to this defense, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Interrogatory No. 2: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in Affirmative Defense 41 of your Answer [DKT #51]: “Cargill has neither the ability nor authority to control or affect the timing, manner, and location of the application of poultry litter.”

ANSWER: This interrogatory seeks information concerning the negative of a fact as to which plaintiffs have the burden of proof. The language in Cargill, Inc.’s answer quoted in Plaintiffs’ Interrogatory No. 2 responded directly to Plaintiffs’ allegations that Cargill, Inc. “so dominates and controls the activities of its...poultry growers that the relationship is not one of independent contractor, but rather one of employer and employee or one of principal and agent.” Amended Complaint ¶ 43; *see generally id.* at ¶¶ 32-47.

Cargill, Inc. states that it has no contracts or any other relationships with any poultry

growers in the IRW, and thus no contracts that would give Cargill, Inc. any right to exercise any control over or otherwise affect the timing, manner, or location of such growers' application of poultry litter. Although not bearing on this interrogatory, Cargill, Inc. states that it previously had contracts with independent-contractor growers who raised turkeys owned by Cargill, Inc..

Interrogatory No. 3: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in Affirmative Defense 43 of your Answer [DKT #51]: "Cargill acted in compliance with all applicable laws, regulations, permits, and industry standards at all applicable times."

ANSWER: This interrogatory seeks information concerning the negative of a fact as to which plaintiffs have the burden of proof. The language from Cargill, Inc.'s answer quoted in Plaintiffs' Interrogatory No. 3 responded directly to Plaintiffs' allegations that Cargill, Inc. has violated various state and federal statutes and regulations. *See, e.g.*, Amended Complaint at ¶¶ 103-104, 128-132, 133-136, 137-139.

Cargill, Inc. knows of no facts that suggest that Cargill, Inc. has violated any applicable laws, regulations, permits, or industry standards in connection with any of the turkey-growing operations it operates in the IRW, and is aware of no documentation of any such violations produced by Plaintiff, despite requests for such documentation. In addition, Cargill, Inc. refers Plaintiffs to Cargill, Inc.'s former contracts with the independent-contractor growers in the IRW who raised turkeys owned by Cargill, Inc., previously produced as documents CARTP003060-CARTP007981. In those contracts, the independent growers expressly agreed to comply with all applicable state, local, and federal laws and requirements. *See, e.g.*, document CARTP003228-003244, ¶¶ 13, 23.

Discovery is continuing with respect to this defense, and Cargill reserves the right to

supplement this response as additional information becomes available.

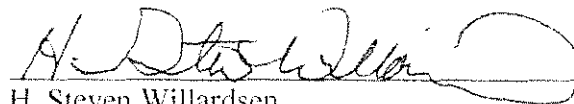
;

CORPORATE VERIFICATION

H. Steven Willardsen, President, Cargill Turkey Production, LLC, a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill, Inc. states that he is an authorized signatory of Defendant Cargill, Inc. in the above-titled action; that he signs the foregoing Answers to Plaintiff's March 2, 2007 Set of Interrogatories for and on behalf of Defendant Cargill, Inc. and is duly authorized to do so by Cargill, Inc.; that certain of the matters stated in the foregoing Answers to Plaintiff's March 2, 2007 Set of Interrogatories are not within his personal knowledge; that he is informed that there is no Officer or Managing Agent of Defendant Cargill, Inc. who has personal knowledge of all such matters; that the facts stated in said Answers have been assembled by authorized employees of Cargill Turkey Production, LLC and counsel of Defendants Cargill Turkey Production, LLC and Cargill, Inc.; and that he is informed that the facts stated in the foregoing Answers are true and correct.

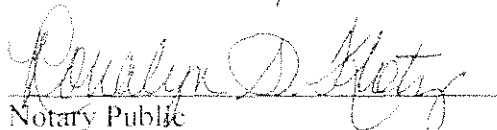
Dated: April 17, 2007

Cargill, Inc.



H. Steven Willardsen
President, Cargill Turkey Production, LLC
Authorized signatory for Cargill, Inc.

Subscribed and sworn to before me
this 17 day of April, 2007.


Notary Public

RONALYN S. KLOTZ
STATE OF KANSAS
NOTARY PUBLIC
MY APPOINTMENT EXPIRES:
April 22, 2008

AS TO OBJECTIONS

April 17, 2007

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: 

JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And
DELMAR R. EHRLICH
BRUCE JONES
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600
ATTORNEYS FOR CARGILL, INC. AND CARGILL
TURKEY PRODUCTION

C. Requests

Request for Production No. 1: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 8 of your Answer [DKT #51]: “Plaintiffs [sic] [[sic]] lack standing to bring this action.”

RESPONSE: Please see pleadings and motion documents identified in response to Interrogatory 1 above, which either were created by or have already been served on Plaintiffs’ attorneys.

Request for Production No. 2: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 39 of your Answer [DKT #51]: “Some or all of Plaintiffs [sic] [[sic]] are not the real parties in interest as to some or all of the claims and damages alleged in the Complaint.”

RESPONSE Please see:

1. Pleadings and motion documents identified in response to Interrogatory 1 above;
2. Tyson Poultry, Inc.’s Motion to Dismiss Count 3 of Plaintiff’s First Amended Complaint and Integrated Opening Brief in Support (10/03/05) [DKT #64]; and
3. Cobb-Vantress, Inc.’s Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay the Action and Integrated Opening Brief in Support (10/3/05) [DKT #67].

All of these documents either were created by or have already been served on Plaintiffs’ attorneys.

Request for Production No. 3: Please produce copies of all documents and

materials that underlie or that you contend support the following assertion by you in Affirmative Defense 41 of your Answer [DKT #51]: “Cargill has neither the ability nor authority to control or affect the timing, manner, and location of the application of poultry litter.”

RESPONSE: Please see documents identified in response to Interrogatory 2 above, which are already available to Plaintiffs. Discovery is continuing with respect to this defense, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 4: Please produce copies of all documents and materials that underlie or that you contend support the following assertion by you in Affirmative Defense 43 of your Answer [DKT #51]: “Cargill acted in compliance with all applicable laws, regulations, permits, and industry standards at all applicable times.”

RESPONSE: Please see documents identified in response to Interrogatory 3 above, which are already available to Plaintiffs. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 5: Please produce copies of all documents and materials reflecting, referring to or relating to the aggregate or total amount of poultry feed, by weight and volume, consumed at your growing operations or at poultry growing operations under contract with you which are located within the Illinois River Watershed for each year since 1952.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002 and seeks all documents “reflecting, referring to or relating

to” the subject matter of this request. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Cargill, Inc. will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 6: Please produce copies of all MSDS sheets provided by you to poultry growers under contract with you who are located within the Illinois River Watershed for each year since 1952.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill, Inc. states that it has been unable to locate any documents responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 7: Please produce copies of all documents and materials provided to growers at your poultry growing operations or at poultry growing operations under contract with you in the Illinois River Watershed since 1952 that reflect the amount of money earned by the grower for a flock or flocks and the basis for calculating that amount, including but not limited to Broiler Growers Payment Calculations, Broiler Settlement Analyses and Broiler Growers Payment Analyses or other reports similarly named.

RESPONSE: Cargill, Inc. objects to this request as nonsensical to the extent that it

seeks information relating to “Broilers” in the context of its turkey production activities.

Assuming that Plaintiffs intended to request documents reflecting the amount of money earned by growers of turkey flocks, Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Cargill, Inc. will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 8: Please produce copies of all documents and materials reporting on the conditions at your poultry growing operations or at poultry growing operations under contract with you in the Illinois River Watershed since 1952, including but not limited to Broiler House Management Reports, Broiler House Condition Reports, Broiler Field Representative Reports, Broiler Farm Condition Reports, Broiler House Pre-Check Lists, Broiler Weekly Management Reports, and Next Flock Recommendations and Requirements and Recommendations for Next Flock.

RESPONSE: Cargill, Inc. objects to this request as nonsensical to the extent that it seeks information relating to “Broilers” in the context of its turkey production activities. Assuming Plaintiffs intended to request documents reflecting the growing conditions of its turkey flocks, Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill, Inc. further objects to the use of the term

“conditions” as vague and ambiguous. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 9: Please produce all documents and materials reflecting the location of, address of and driving directions to each of your poultry growing operations (including poultry growing operations under contract with you) in the Illinois River Watershed since 1952.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill, Inc. further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill, Inc.’s poultry growing operations “include” poultry growing operations under contract with Cargill, Inc., which they do not. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Cargill, Inc. will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 10: Please produce all documents and materials reflecting the number of poultry houses / poultry barns at each location where you have or have had poultry growing operations (including poultry growing operations under contract with you)

in the Illinois River Watershed since 1952.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill, Inc. further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill, Inc.'s poultry growing operations "include" poultry growing operations under contract with Cargill, Inc., which they do not. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Cargill, Inc. will produce as soon as reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 11: Please produce all documents and materials reflecting the size and capacity of poultry houses / poultry barns at each location where you have or have had poultry growing operations (including poultry growing operations under contract with you) in the Illinois River Watershed since 1952.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill, Inc. further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill, Inc.'s poultry growing operations "include" poultry growing operations under contract with Cargill, Inc., which they do not. Subject to and without waiving these objections, Cargill, Inc. has produced previously documents responsive to this request. Cargill, Inc. will produce as soon as

reasonably possible any additional responsive, non-privileged documents it is able to locate. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 12: Please produce all documents and materials reflecting, referring or relating to the hauling out of poultry waste / poultry litter / poultry manure from locations within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill, Inc. objects to this request as duplicative of Request No. 55 in the State's July 10, 2006 Set of Document Requests and incorporates herein by reference its objections and response to that request. Subject to and without waiving this objection, Cargill, Inc. has been unable to locate any documents responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 13: Please produce all documents and materials reflecting, referring or relating to the hauling out of poultry waste / poultry litter / poultry manure generated at your poultry growing operations (including poultry growing operations under contract with you) located within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill, Inc. objects to this request as duplicative of Request No. 56 in the State's July 10, 2006 Set of Document Requests as well as Request No. 12 above. Cargill incorporates herein by reference its objections and response to that request. Subject to and without waiving this objection, Cargill, Inc. has been unable to locate any documents

responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 14: Please produce all documents and materials reflecting, referring or relating to grants (federal, state or private) pertaining to the hauling out of poultry waste / poultry litter / poultry manure from locations within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Subject to and without waiving these objections, Cargill, Inc. has been unable to locate any documents responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Request for Production No. 15: Please produce all documents and materials reflecting, referring or relating to grants (federal, state or private) pertaining to the hauling out of poultry waste / poultry litter / poultry manure generated at your poultry growing operations (including poultry growing operations under contract with you) located within the Illinois River Watershed to locations outside of the Illinois River Watershed.

RESPONSE: Cargill, Inc. objects to this request as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks documents prior to 2002. Cargill, Inc. further objects to this request on the ground that it contains a false and misleading definition, specifically that Cargill, Inc.'s poultry growing operations "include" poultry growing operations under contract with Cargill, Inc., which they

do not. Subject to and without waiving these objections, Cargill, Inc. has been unable to locate any documents responsive to this request. Discovery is continuing, and Cargill, Inc. reserves the right to supplement this response as additional information becomes available.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: 

JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And

DELMAR R. EHRICH
BRUCE JONES
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600

ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC

CERTIFICATE OF SERVICE

I certify that on the 17th day of April, 2007, I electronically transmitted the attached document to the following:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Robert D. Singletary

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
Robert_singletary@oag.state.ok.us

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis

doug_wilson@riggsabney.com
driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com

Robert Allen Nance
Dorothy Sharon Gentry
Riggs Abney

rnance@riggsabney.com
sgentry@riggsabney.com

J. Randall Miller
David P. Page
Louis W. Bullock
Miller Keffer & Bullock

rmiller@mkblaw.net
dpage@mkblaw.net
lbullock@mkblaw.net

William H. Narwold
Elizabeth C. Ward
Frederick C. Baker
Lee M. Heath
Elizabeth Claire Xidis
Motley Rice
COUNSEL FOR PLAINTIFFS

bnarwold@motleyrice.com
lward@motleyrice.com
fbaker@motleyrice.com
lheath@motleyrice.com
cxidis@motleyrice.com

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pryan@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com

Robert W. George
Michael R. Bond
Erin W. Thompson

robert.george@kutakrock.com
michael.bond@kutakrock.com
erin.thompson@kutakrock.com Kutack Rock

LLP
COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.;
AND COBB-VANTRESS, INC.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

jgriffin@lathropgage.com

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.
COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirmpc.com
rer@owenslawfirmpc.com

James M. Graves
Gary V. Weeks
Bassett Law Firm
COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

jgraves@bassettlawfirm.com

John R. Elrod
Vicki Bronson
Bruce W. Freeman
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com

A. Scott McDaniel
Nicole M. Longwell
Philip D. Hixon
McDaniel Law Firm
Sherry P. Bartley
Mitchell Williams Selig Gates & Woodyard
COUNSEL FOR PETERSON FARMS, INC.

smcdaniel@mcdaniel-lawfirm.com
nlongwell@mcdaniel-lawfirm.com
phixon@mcdaniel-lawfirm.com

sbartley@mws gw.com

Michael D. Graves
Dale Kenyon Williams, Jr.

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR CERTAIN POULTRY GROWERS

Jo Nan Allen
COUNSEL FOR CITY OF WATTS

jonanallen@yahoo.com

Park Medearis
Medearis Law Firm, PLLC
COUNSEL FOR CITY OF TAHLEQUAH

medearislawfirm@sbcglobal.net

Todd Hembree
COUNSEL FOR TOWN OF WESTVILLE

hembreelaw1@aol.com

Tim K. Baker
Maci Hamilton Jessie
Tim K. Baker & Associates
COUNSEL FOR GREENLEAF NURSERY CO., INC., WAR EAGLE FLOATS, INC., and
TAHLEQUAH LIVESTOCK AUCTION, INC.

tbakerlaw@sbcglobal.net
maci.tbaker@sbcglobal.net

Kenneth E. Wagner
Marcus N. Ratcliff
Laura E. Samuelson
Latham, Stall, Wagner, Steele & Lehman
COUNSEL FOR BARBARA KELLEY D/B/A DIAMOND HEAD RESORT

kwagner@lswsl.com
mratcliff@lswsl.com
lsamuelson@lswsl.com

Linda C. Martin
N. Lance Bryan
Doerner, Saunders, Daniel & Anderson, LLP
COUNSEL FOR SEQUOYAH FUELS, EAGLE NURSERY LLC & NORTHLAND FARMS

lmartin@dsda.com

Ron Wright
Wright, Stout, Fite & Wilburn
COUNSEL FOR AUSTIN L. BENNETT AND LESLIE A. BENNET, INDIVIDUALLY AND
D/B/A EAGLE BLUFF RESORT

ron@wsfw-ok.com

R. Jack Freeman
Tony M. Graham
William F. Smith
Graham & Freeman, PLLC
COUNSEL FOR "THE BERRY GROUP", CHERYL BEAMAN, PHILLIP BEAMAN,
FALCON FLOATS, BILL STEWART, INDIVIDUALLY AND D/B/A DUTCHMAN'S
CABINS and OTHER VARIOUS THIRD PARTY DEFENDANTS

jfreeman@grahamfreeman.com
tgraham@grahamfreeman.com
bsmith@grahamfreeman.com

Angela D. Cotner
COUNSEL FOR TUMBLING T BAR L.L.C. and BARTOW AND WANDA HIX

angelacotneresq@yahoo.com

Thomas J. McGeady

Ryan P. Langston
J. Stephen Neas steve_neas@yahoo.com
Bobby Jay Coffman bcoffman@loganlowry.com
Logan & Lowry, LLP
COUNSEL FOR LENA AND GARNER GARRISON; AND BRAZIL CREEK MINERALS,
INC.

Monte W. Strout strout@xtremeinet.net
COUNSEL FOR CLAIRE WELLS AND LOUISE SQUYRES

Lloyd E. Cole, Jr. colelaw@alltel.net
COUNSEL FOR ILLINOIS RIVER RANCH PROPERTY OWNERS ASSOCIATION; FLOYD
SIMMONS; RAY DEAN DOYLE AND DONNA DOYLE; JOHN STACY D/B/A BIG
JOHN'S EXTERMINATORS; AND BILLY D. HOWARD

Douglas L. Boyd dboyd31244@aol.com
COUNSEL FOR HOBY FERRELL and GREATER TULSA INVESTMENTS, LLC

Jennifer F. Sherrill jfs@federmanlaw.com
William B. Federman wfederman@aol.com
Charles Livingston Moulton Charles.Moulton@arkansasag.gov
COUNSEL FOR ARKANSAS NATURAL RESOURCES COMMISSION

John B. DesBarres mrjdbd@msn.com; johnd@wcalaw.com
COUNSEL FOR JERRY MEANS, DOROTHY ANN MEANS, BILLY SIMPSON,
INDIVIDUALLY, AND D/B/A SIMPSON DAIRY, BRIAN R. BERRY AND MARY C.
BARRY, INDIVIDUALLY, AND D/B/A TOWN BRANCH GUEST RANCH

Reuben Davis rdavis@boonesmith.com
Michael A. Pollard
Boone, Smith, Davis, Hurst & Dickman
COUNSEL FOR WAUHILLAU OUTING CLUB

A. Michelle Campney campneym@wwhwlaw.com
Walls Walker Harris & Wolfe
COUNSEL FOR KERMIT AND KATHERINE BROWN

Thomas Janer scmj@sbcglobal.net
COUNSEL FOR SUZANNE M. ZEIDERS

K. Clark Phipps cphipps@ahn-law.com
Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile
COUNSEL FOR WANDA DOTSON

Michael L. Carr mcarr@holdenokla.com
Michelle B. Skeens mskeens@holdenokla.com

Derek Lawrence dlawrence@holdenokla.com
Holden & Carr hc@holdenokla.com
COUNSEL FOR SNAKE CREEK MARINA, LLC

Carrie Griffith griffithlawoffice@yahoo.com
COUNSEL FOR RAYMOND AND SHANNON ANDERSON

Del Ehrich dehrich@faegre.com
Dara Mann dmann@faegre.com
Quynh Sperrazza qsperrazza@faegre.com
Jessica Intermill JIntermill@faegre.com

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following:

Jerry M. Maddux
Shelby Connor Maddux Janer
P.O. Box Z
Bartlesville, OK 74005-5025
COUNSEL FOR SUZANNE M. ZEIDERS

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.

James R. Lamb
Dorothy Gene Lamb
Strayhorn Landing
Rt. 1, Box 253
Gore, OK 74435
PRO SE

G. Craig Heffington
20144 W. Sixshooter Rd.
Cookson, OK 74427
ON BEHALF OF SIXSHOOTER RESORT
AND MARINA, INC.

James C. Geiger
Kenneth D. Spencer
Jane T. Spencer
Address unknown
PRO SE

Jim Bagby
Rt. 2, Box 1711
Westville, OK 74965
PRO SE

Robin Wofford
Rt. 2, Box 370
Watts, OK 74964
PRO SE

Gordon W. Clinton
Susann Clinton
23605 S. Goodnight Lane
Welling, OK 74471
PRO SE

Marjorie A. Garman
Riverside RV Resort and Campground LLC
5116 Hwy. 10
Tahlequah, OK 74464
PRO SE

Doris Mares
Cookson Country Store and Cabins
32054 S. Hwy 82
P. O. B ox 46
Cookson, OK 74424
PRO SE

Eugene Dill
32054 S. Hwy 82
P. O. Box 46
Cookson, OK 74424
PRO SE

John E. and Virginia W. Adair Family Trust
Route 2, Box 1160
Stilwell, OK 74960
PRO SE

Richard E. Parker
Donna S. Parker
Burnt Cabin Marina & Resort, LLC
34996 South 502 Road
Park Hill, OK 74451
PRO SE

William House
Cherrie House
PO Box 1097
Stilwell, OK 74960
PRO SE

